

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

x

CRYSTAL JACKSON,

Plaintiff,
-against-

MEMORANDUM
DECISION AND ORDER
19-CV-4099 (AMD) (JO)

**SHERATON NEW YORK TIMES SQUARE
HOTEL; PATRICK ATHY**, Director of Human
Resources; **DIANA CIMINO** – Human Resources
Manager,

Defendants.

x

ANN M. DONNELLY, United States District Judge:

On July 12, 2019, the *pro se* plaintiff Crystal Jackson brought a complaint alleging violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.* (“Title VII”) and the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* (“ADA”). By Memorandum Decision and Order, I dismissed the complaint and granted the plaintiff leave to file an amended complaint to allege facts that show that she suffered an adverse employment action because of her race, color, or disability. (ECF No. 4.) The plaintiff’s amended complaint contains facts sufficient to plead a claim for discrimination or retaliation under Title VII. The plaintiff’s ADA discrimination claim, however, is still dismissed because the plaintiff has not pled the required elements of a *prima facie* case under the ADA.

The plaintiff’s ADA discrimination claim is dismissed pursuant to 28 U.S.C. Section 1915(e)(2)(B). The plaintiff’s Title VII claim will proceed. The defendants Patrick Athy and Diana Cimino are dismissed because the remedial provisions of Title VII do not provide for individual liability. *See Spiegel v. Schulmann*, 604 F.3d 72, 79 (2d Cir. 2010). The United States Marshals Service is respectfully directed to serve the summonses, complaint, amended

complaint and this order upon the defendant without prepayment of fees. The Clerk of Court is directed to send a copy of this order to the plaintiff.

The case is respectfully referred to Magistrate Judge Orenstein for pretrial supervision. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

/s/ Ann M. Donnelly

Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
August 22, 2019